

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2000 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No.

2. To be referred to the Reporter or not? No.

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3. Whether Their Lordships wish to see the fair copy of the judgement? No.

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.

5. Whether it is to be circulated to the Civil Judge? No.

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MANUBHAI M SOJITRA

Versus

STATE OF GUJARAT & ORS

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Appearance:

MR. P.M. THAKKAR, Advocate, for Petitioner

MR. M.R. TANDEL, Advocate, for the respondents.

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 04/03/96

ORAL JUDGEMENT

This Special Civil Application has been filed by the petitioner seeking direction to the respondent no.2 cancel the licence given to the respondent no.3 for running Agro Service Centre and also for taking appropriate action against him for the illegalities and

irregularities committed by him in operating the Centre.

2. The respondent no.3 was given licence for operating the Centre in the year 1974. The say of the petitioner is that the respondent no.3 is engaged in construction business run in the name of Sadguru Construction Co. and he is not unemployed qualified person so as to eligible for the licence. It is stated that various illegalities have been committed by the respondent no.3 and inspite of repeated representations made to the respondents no.1 and 2 nothing has been done.

3. The detailed affidavit has been filed by Mr. F.S. Tarwadi, on behalf of the respondent no.3. It is stated that the respondent no.3 is having degree i.e. Diploma Mechanical Engineering passed in 2nd Class in 1970 and at the time of selection he was unemployed. Considering his qualification and experience the licence was granted as back as in the year 1972. He has also asserted that he is running the Centre. Detailed reply has been given in para 7 on the point of controversy.

4. I am not inclined to enter into these controversies in exercise of power under Article 226 of the Constitution of India. It is, however, desirable that the respondent no.2 to decide the representation of the petitioner by a speaking order.

5. In views of the aforesaid, there is no merit in this Special Application and the same is rejected. However, the respondent no.2 is directed to dispose of the petitioner's representation by a speaking order within a period of two months from today. Rule is discharged.

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